

OPINION
56-59

October 29, 1956 (OPINION)

COUNTIES

RE: Budget - Providing for Safety Council

This is in reply to your letter of October 16, 1956, requesting an opinion of this office in regard to making county funds available for the annual budget of a recognized county safety council.

Your specific questions are stated as:

- "1. May the County Commissioners of a North Dakota County make county funds available for the annual budget of a recognized county safety council?
- "2. If so, may the amount arrived at be paid direct to the council treasurer?
- "3. Out of what appropriation could the amount be allocated?

We find no specific statutory authority for the establishment or support of county safety councils. "A county has only such powers and can perform only such duties as are expressly or impliedly conferred or imposed upon it by constitutional or statutory provisions." (20 C.J.S. 801, Counties, Section 49, See also Divide County v. Baird, 55 N.D. 45; Eikevik v. Lee, 73 N.D. 197).

While the counties of this state as a matter of fact are authorized to and do engage in motor vehicles safety work through their law enforcement and road construction departments, such functions are performed as incidents of the functions of such officers and departments rather than as a general duty of the county.

"The liability of a county for expenses, claims and charges exists only by virtue of a statute or of some contract authorized by law.* * * *" (20 C.J.S. 1052, Counties, Section 207).

As we find no express or implied authority to devote county funds to the expenses of a county safety council, it must be our conclusion that the county may not devote county funds to the expenses of a county safety council.

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